

The evidence established that Mr. Marceca made at least 726 requests for the background reports of individuals who no longer required access to the White House. Accordingly, all of those requests were false.

**2. Mr. Marceca Did Not Know that the Statement on Any Particular Request was False.**

After extensive analysis of the testimony of key individuals in conjunction with analysis of computer records and physical evidence, the Independent Counsel concluded that Mr. Marceca did not knowingly misrepresent any particular request for a background report of an individual who no longer required access. Although Mr. Marceca realized at some point during the Update Project that his requests to the FBI would likely result in the delivery to him of reports for individuals who no longer required access, there is no evidence sufficient to charge a crime that he ever asked for the background report of any individual knowing, before he made the request, that that individual no longer required access.<sup>180</sup>

**a. The List Mr. Marceca Used Did Not Distinguish Between Active and Inactive Passholders.**

Mr. Marceca used a June 10, 1993 list, produced by the Secret Service, that did not distinguish between active and

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<sup>180</sup> Nor was there any credible evidence that Mr. Marceca used these requests as a "trick, scheme, or device" in violation of section 1001 to obtain the background reports of former White House staff. See United States v. Hubbell, 177 F.3d 11 (D.C. Cir. 1999).